What Happens at a License Suspension Hearing in Pennsylvania?

If you have been arrested for driving under the influence in Pennsylvania, you may have heard about something called a license suspension hearing. This is not just another court date. It is a separate proceeding that deals specifically with your driving privileges, and it can move much faster than your criminal case. Understanding what happens at that hearing, and what you can do to prepare, can make a real difference in whether you keep your license or lose it for months or even years.

I have represented dozens of clients in Delaware County who walked into a license suspension hearing without knowing what to expect. They assumed it was a formality, or that the outcome was already decided. In many cases, that assumption cost them time, money, and the ability to drive to work or school. The truth is, these hearings follow specific rules, and you have rights that can be asserted if you know how.

Why Your License Is at Risk

In Pennsylvania, a DUI arrest triggers two separate tracks. One is the criminal case, which deals with fines, jail time, and possible ARD program eligibility. The other is the administrative track, handled by the Pennsylvania Department of Transportation. Under Pennsylvania DUI law, if you are arrested and your blood alcohol content meets the legal threshold, or if you refuse chemical testing, PennDOT can suspend your license before you ever step foot in a courtroom. This is called an administrative suspension, and it is governed by the implied consent law. When you get a Pennsylvania driver's license, you automatically consent to chemical testing if an officer has reasonable grounds to believe you are driving under the influence. Refusing that test triggers a statutory suspension, separate from any DUI conviction.

That is where the license suspension hearing comes in. It is your opportunity to challenge the suspension before it takes effect, or at least to argue for limited driving privileges. The hearing is technically a DMV hearing, conducted by a PennDOT hearing officer, not a judge. But the stakes are just as high.

What Actually Happens at the Hearing

When you arrive at the hearing, you will be in a conference room, not a courtroom. The hearing officer will review the paperwork submitted by the arresting officer, including the chemical test results, the police report, and the officer's affidavit. You or your attorney will have the chance to present evidence, call witnesses, and cross-examine the officer. This is a formal proceeding,

but it is less rigid than a criminal trial. The rules of evidence are looser, and the hearing officer has broad discretion.

One critical thing to understand is that the hearing is not about whether you are guilty of DUI. It is about whether the suspension was justified under the law. For example, if you refused chemical testing, the hearing will focus on whether the officer had reasonable grounds to request the test, and whether you were properly informed of the consequences of refusal. If the officer did not read you the implied consent warnings correctly, or if there was no reasonable suspicion for the stop, you may have grounds to challenge the suspension.

I once represented a client in Delaware County whose license suspension hearing resulted in the suspension being overturned because the officer failed to advise him that a refusal would result in a one-year suspension. The officer simply said "you will lose your license" without specifying the duration. The hearing officer found that insufficient under Pennsylvania DUI law and reinstated his license. That outcome would not have happened without a focused challenge during the hearing.

What You Can Do to Prepare

Preparation is everything. You should gather any documents that might help your case, such as dashcam footage, witness statements, or records showing you complied with testing. If you are seeking an occupational limited license, you will need to show that you have a job, school, or medical appointments that require driving, and that you have no other way to get there. The hearing officer can grant an OLL, but it is not automatic. You have to make the case.

Another option is the ARD program. If you are eligible, completing ARD can sometimes lead to a shorter suspension or no suspension at all, depending on the circumstances. But ARD is a criminal program, not a DMH one. You still need to handle the administrative side separately. Your attorney can advise you on how the two tracks interact and whether entering ARD will affect your license suspension hearing.

One thing I have seen trip people up is the timing. In Pennsylvania, you only have a limited window to request a license suspension hearing after you receive the official notice from PennDOT. If you miss that deadline, you lose your right to challenge the suspension, and it becomes automatic. That is why it is crucial to get legal representation as soon as possible after an arrest. An experienced attorney can file the request on time and start building your case immediately.

Common Defenses and Strategies

There are several common defenses that come up in these hearings. One is that the officer lacked reasonable suspicion to stop your vehicle. If the stop was unlawful, any evidence

gathered afterward, including chemical test results, may be suppressed. Another is that the field sobriety test was conducted improperly or that the officer misread the results. Field sobriety tests are subjective, and officers sometimes make mistakes. A third defense is that the chemical testing equipment was not properly maintained or calibrated. If the blood alcohol content reading is unreliable, the basis for the suspension weakens.

You can also argue that you were not given a fair opportunity to consult with an attorney before deciding whether to submit to testing. Pennsylvania's implied consent law does not guarantee a right to counsel before testing, but if the officer misled you or pressured you into refusing, that could be grounds for relief. The key is to have a lawyer who understands the nuances of Pennsylvania DUI law and can identify the weak points in the officer's case.

The Role of Judicial Review

If you lose at the license suspension hearing, you still have options. You can appeal the hearing officer's decision to the Court of Common Pleas for a judicial review. This is a de novo hearing, meaning the court considers the case from scratch, without deferring to the hearing officer's decision. It is a second chance to present your evidence and make your arguments. But it is also more formal, and the stakes are higher because the court can impose a longer suspension if it finds that the original suspension was warranted.

I have seen clients in Delaware County successfully overturn suspensions at the judicial review stage when they had strong evidence that the hearing officer overlooked. For example, one client had a medical condition that affected his balance during field sobriety tests, but the hearing officer dismissed it. At judicial review, we presented testimony from his doctor, and the court found that the officer should have taken that into account. The suspension was reduced to a shorter period, and he was able to get an occupational limited license sooner.

What About Ignition Interlock?

If your license is suspended, you may eventually be eligible to drive with an ignition interlock device. This is a breathalyzer installed in your car that prevents the engine from starting if it detects alcohol. In Pennsylvania, first-time offenders with a high blood alcohol content may be required to have an interlock for a period of time after the suspension ends. It is not a substitute for the suspension, but it can allow you to drive legally while your license is restricted. The hearing officer may discuss this option during your license suspension hearing, or your attorney can raise it as part of a request for an OLL.

Why You Need an Attorney

I cannot stress enough how important it is to have legal representation at these hearings. The hearing officer is not on your side. The officer who arrested you will be present and will testify. The process is adversarial, and the rules are technical. An attorney who handles DUI cases regularly will know what to look for, how to cross-examine the officer, and how to present your case in the best light. Brennan R. O'Neal, for example, has extensive experience with these hearings in Delaware County and knows the local procedures and the hearing officers' tendencies. Having someone who knows the landscape can make the difference between a suspension and a dismissal.

If you are facing a DUI charge in Pennsylvania, do not wait to act. The clock is ticking on your right to request a license suspension hearing. The sooner you get a lawyer involved, the better your chances of protecting your driving privileges. Whether you are fighting the suspension outright or seeking an occupational limited license, the hearing is your chance to be heard. Do not let it go to waste.